

**STATEMENT OF
COMMISSIONER AJIT PAI
APPROVING IN PART AND CONCURRING IN PART**

Re: *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114

It is one of the most elementary questions one can ask, yet it has been a challenging one for technology alone to answer: Where are you? The answer to this question is vital during an emergency. For this reason, there is tremendous value in transmitting accurate location data to emergency responders whenever someone dials 911. By knowing the location of someone in need, 911 dispatchers can send first responders immediately to the scene. Without it, police officers, firefighters, and emergency medical technicians may spend precious seconds, minutes, or even hours searching for a caller. And that is true whether a call is made indoors or outside.

I saw the promise of accurate indoor location technology for myself in the summer of 2012 inside a large Silicon Valley hotel. As I rode the elevator from floor to floor on that July afternoon, the prototype device tracked me fairly well. Had I needed to call 911, transmitting that information could have made all the difference.

I therefore support today's decision to commence a rulemaking proceeding to examine whether the Commission should adopt indoor location accuracy requirements. I also believe that we should enact rules in this area that are both aggressive *and* achievable. Unfortunately, I am skeptical that the timeframes proposed in today's item are realistic. As a result, I am voting to approve in part and concur in part.

Concerned about the feasibility of the timeframes proposed in this item, my office asked Commission staff and stakeholders for a step-by-step timeline that would show how it would be possible for a carrier to meet the timeframes contained in our proposed rules. But to date, no one has been able to produce such a timeline. It appears that today's proposal takes its inspiration from *Field of Dreams*: "If you build it, he will come." Only in this case, the mantra is: "If we mandate it, they will comply."

This is unfortunate. The Commission's rules should be more than aspirational. Our rulemaking process is not a feel-good exercise. It imposes legally binding obligations on regulated entities. It is unfair to saddle them with obligations that cannot be met. And such rules don't help the American people either. Indeed, they can be counterproductive since they stand a good chance of sparking litigation or paralyzing the industry with fear of taking any action if there is no clear path to compliance.

Americans recently have witnessed several instances where unrealistic mandates were imposed on businesses and had to be delayed. In order to prevent history from repeating itself, I would like to highlight two specific suggestions teed up in today's item for enabling carriers to comply with any location accuracy rules. *First*, the trigger for compliance should not be the effective date of the rules we ultimately adopt. Instead, the clock should start running when our Communications Security, Reliability and Interoperability Council (CSRIC) certifies that a technology vendor has demonstrated through an independently administered test bed program that a solution meets the horizontal and vertical location accuracy benchmarks set forth in those rules. To me, this is a matter of common sense. Carriers cannot begin to deploy a technology solution that does not yet exist. And the public should not be led to rely on a promise that cannot be kept.

Second, carriers should not be subject to enforcement action if they prove they are making their best efforts to deploy a technology that has been certified by CSRIC as complying with the Commission's location accuracy standards. Creating such a safe harbor would incentivize every vendor to partake in the CSRIC process. After all, the first to get CSRIC certification would have a leg up on competitors in getting its technology deployed in the field. This race to certification, in turn, would have the

serendipitous effect of getting an independently verified technology out in the field further and faster. This will save lives.

We also need to have this safety valve because we do not know how long it will take for carriers to deploy a compliant technology nationwide or whether a compliant technology will work in every single county in the United States. Deploying a compliant technology across the whole country will be a daunting and time-consuming task. Judging from our experience with Phase II, which the FCC mandated in 1996 but will not be fully implemented until 2019, I am skeptical that this deployment can be completed in two to three years.

The item indicates, for example, that CMRS carriers are increasingly turning to handset-based solutions for providing location information. But what would that entail here? First, the technology in question will need to go through the standards process. Second, device manufacturers will need to incorporate it into handsets. Third, consumers then will need to replace their old handsets with new ones. Experience with the deployment of AGPS-capable handsets has taught us that this is a cycle that will take many years to complete—and that's if everything goes smoothly. While I wish that we could click our heels together three times and watch the technology magically deploy itself on a nationwide basis, we're not in Oz (or Kansas, for that matter).

One other aspect of the proposed rules is worth mentioning. Today's item proposes that accurate location information must be transmitted to a Public Safety Answering Point within 30 seconds. At the same time, however, it also proposes to exclude from compliance determinations only calls lasting 10 seconds or less. So what is given with one hand would be taken away by the other. If a call lasts for twenty seconds, then a carrier will be penalized for failing to transmit accurate location information within those twenty seconds even though the rule ostensibly provides the carrier with thirty seconds to do so. This does not make sense. Whatever time period we end up choosing, whether it be 10 seconds, 20 seconds, or 30 seconds, we should have one consistent measure of how long carriers have to provide location accuracy information.

Finally, there's another critical aspect of the location accuracy problem worth thinking about. Last month, I began an inquiry into the state of 911 availability in establishments, such as hotels, motels, office buildings, and schools, that use multiline telephone systems (MLTS). Location accuracy matters with MLTS systems as well. A recent tragedy in Utah illustrates why.

On January 22, Randy Palmer suffered a heart attack while shopping at a Midvale, Utah auto parts store. An employee promptly called 911. But the call went to the wrong dispatch center because the store's phone system indicated that the call was being placed from the company's Salt Lake City office. First responders were consequently sent to the wrong location and took about 15 minutes to arrive in Midvale. Unfortunately, Mr. Palmer passed away. His widow put it well when she said: "People need to know what happened and I don't want something like this to happen to someone else. My husband was the most important person in my life [and] in my daughter's life. The [extra] minutes absolutely cost him his life." To me, the lesson is this: As we design indoor location accuracy requirements, we must not forget about MLTS location accuracy.

I would like to thank the staff of the Public Safety and Homeland Security Bureau for their hard work on these issues and my colleagues for agreeing to incorporate some of my suggestions into this item. I look forward to working together in the months to come to hasten the day when that vexing question—where are you?—becomes an academic one when it comes to emergency calling.